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March 13, 2013

Ms. Zita Lovett
Clerk to the Honorable Joseph L. Tauro
United States District Court for the District of Massachusetts
One Courthouse Way
Boston, MA 02210

Re: ***Gordon v. DreamWorks Animation LLC, et al.,***
Civil No. 1:11-cv-10255 JLT (D. Mass.)

Dear Ms. Lovett:

This will respond to yesterday's letter from Attorney Gregory Madera reiterating plaintiff Jayme Gordon's request of this past fall that the Court schedule a trial date. The Court previously vacated the trial date after the defendants filed their motions for summary judgment and for dismissal based on spoliation of evidence.

Following the hearing on the motions, Gordon's counsel asked the Court to set a trial date, but the defendants objected because the motions were still pending and the trial date had been vacated in order to prevent the parties from having to engage in potentially unnecessary pre-trial preparations and expert discovery. The defendants also noted that the rulings on the pending motions, even if ultimately deemed not dispositive of the entire lawsuit, would likely have a material impact on the scope of the trial, as well as on the scope of expert testimony. After receiving these submissions, the Court did not schedule a trial. Nothing has changed since that time.

In order to avoid likely unnecessary but substantial expert witness expense and imposition upon numerous non-party witnesses, the defendants continue to believe that the Court should schedule a trial date, if any will be required, only after ruling upon their pending dispositive motions.

Respectfully submitted,

s/ John A. Shope

John A. Shope

cc: All Counsel of Record